

Call to Order:

The meeting was called to order at 7:30 p.m. Present were Chair Zach Bergeron, members Vincent Chiozzi (arrived at 7:33 p.m.), Jay Doherty, Joan Duff, Ann Knowles and associate member Steve Pouliot; also present were Paul Materazzo, Director of Planning and Jacki Byerley, Planner.

Shawsheen Square Zoning:

Bill MacLeod of Andover Consultants representing the proponent gave a presentation on expanding the General Business district in the Shawsheen Square area. He showed a current zoning map of the area of Shawsheen Square/Haverhill Street and focused on properties on Haverhill Street and Tantallon Road that are zoned Industrial A, but the current uses are not industrial in nature. Any new tenant of these buildings must petition the ZBA for a special permit or use variance. Most if not all of the current uses would be allowed by right in the General Business district. He showed a rendering of an expanded General Business district, and asked the Planning Board for their support at Town Meeting.

Mr. Materazzo stated that in preparing for Town Meeting 2015, the Board has already discussed zoning flexibility in Shawsheen Square area, down Haverhill Street to the railroad bridge. This would be a good test case for that with a small amount of parcels, and the change in zoning would mirror what is happening on the street today.

Mr. Pouliot asked if there was an intended business planned for the area. Bill Buckley, also representing the proponent stated that the current ownership group JPNR LLC first purchased the property in 2005 and began renovations in the Shawsheen Square Commerce Center. There was a 21E on the undeveloped parcel that required an environmental cleanup. Shortly thereafter the economy and development slowed down. The economy is now recovering and it is a more competitive market. They would like to be able to fill vacancies without potential tenants having to take any extra steps for uses that are consistent with what is already there. The environmental cleanup on 7 Tantallon Road is complete and has the opportunity for redevelopment as a professional office building, educational uses, mixed use, retail sales or a restaurant. Right now under current zoning the uses are a contractor's yard, building supply, fuel storage and wholesale storage and warehousing which are not consistent with the surrounding properties.

Ms. Knowles asked what the likelihood was that they would tear down the existing building on Tantallon Road. Mr. Buckley stated that it may have to be torn down but it is their intention to salvage everything they can of the building to stay in the character of the neighborhood. He added that if a new building were built, they would also design it in the character of the neighborhood.

Ms. Duff asked if the other businesses in the area are supportive of this zoning change. Mr. Buckley stated that they are familiar with the concept and the ownership group has had communications with them. He pointed out the bank in the area is very successful and for it they had to obtain a use special permit.

Mr. Pouliot asked if they had any interest in a mixed use including residential. Mr. Buckley stated that it was something to be determined, and it would be consistent with what Shawsheen

Shawsheen Square Zoning (cont'd):

Square offers. Mr. Pouliot added that a senior living development may fit well into that location. Mr. Materazzo stated that a Planned Unit Development is allowed in the General Business district.

Mr. Bergeron asked if this initiative is consistent with the Master Plan, why the Board should limit it to one small area. Mr. Materazzo stated that making the area larger opens it up to questions and fear of the unknown. He suggested inviting abutters to have a discussion about extending the GB, as the area is already acting as a general business zone. Mr. Doherty asked about the appearance of spot zoning and Mr. Materazzo stated that the area is multiple parcels with multiple owners. Ms. Byerley added that it is not spot zoning because it would be the extension of the existing general business zone.

Mr. Bergeron felt that Board should consider a larger area. Mr. Chiozzi asked if the homes on York Street preexisted the Industrial A zoning. Ms. Byerley stated that she thought the homes were preexisting. Mr. Chiozzi questioned if those residential lots were once residentially zoned. Mr. Materazzo suggested that the Board begin discussions of the area from the railroad bridge on Haverhill Street to Shawsheen Square and scale the area back as necessary. The larger discussion may not lead to the immediate relief that these businesses need today. Mr. Buckley requested the Board to scale it back if it would require more work than would be necessary to be considered for this Town Meeting.

Nuala Boness of 4 Robinswood Way stated that she works in that area and often goes through Shawsheen Square. A traffic study needs be performed on that area before anything is rezoned. Mr. Materazzo informed her that the Town is already engaged in a corridor study from the railroad bridge to Route 93. He added that new businesses that are permitted to come in to the area may be tasked with contributing to fixing the traffic problem.

Fraser Drive Roadway Bond:

Ms. Byerley informed the Board that the Department of Municipal Services has submitted a recommended amount of \$75,000.00 to secure the proper construction and completion of the services and ways for the Fraser Drive subdivision.

On a motion by Ms. Duff seconded by Mr. Doherty the Board moved to approve the Performance Guarantee to secure the proper construction and completion of the services and ways for Fraser Drive to \$75,000.00 as recommended by the Department of Municipal Services in a memo dated August 6, 2014. **Vote:** Unanimous (6-0).

Pine Forest Park Roadway Bond:

Ms. Byerley informed the Board that the Department of Municipal Services has submitted a recommended amount of \$133,500.00 to secure the proper construction and completion of the services and ways for the Pine Forest Park subdivision.

On a motion by Ms. Knowles seconded by Mr. Doherty the Board moved to approve the Performance Guarantee to secure the proper construction and completion of the services and

Pine Forest Park Roadway Bond (cont'd):

ways for Fraser Drive to \$75,000.00 as recommended by the Department of Municipal Services in a memo dated August 4, 2014. **Vote:** Unanimous (6-0).

Minutes:

On a motion by Ms. Duff seconded by Ms. Knowles the Board moved to accept the minutes of July 8, 2014 and July 22, 2014. **Vote:** Unanimous (6-0).

254 Lowell Street – Strawberry Hill Farm:

Mr. Bergeron opened the continued public hearing on an application submitted by National Development Acquisitions, LLC for a Special Permit for Elderly Housing for a development at 254 Lowell Street the former Strawberry Hill Farm.

Mr. Materazzo stated that items continued from the last meeting include the affordability component, traffic, congregate care living facilities, transportation and electric outages. The affordability will be discussed and the next hearing as will drainage.

Ted Tye, Managing Partner of National Development reviewed the transportation services that will be provided for both buildings. The residents of the Bridges building will not have cars and only escorted offsite by a family member or staff. There will be a vehicle available to transport residents to various events, appointments and activities. At the Andover Senior Residences, some residents will have cars but transportation services will also be provided with a coordinator onsite. National Development is also working with the MVRTA on schedule and stop.

Mr. Tye stated National Grid has submitted a letter confirming that there is sufficient electric power in the area to serve both buildings. Each building will have an emergency generator for lights, heated and cooled areas, elevator service and an operational kitchen in the Bridges building during an outage.

Mr. Tye informed the Board that before they choose a site for development they start with an independent market analysis of the area demographics. Based on their analysis within a 7 mile radius there is a need today for 79 memory care units today. By 2019 the number is an additional 143 units. Their financing sources confirm that data independently. The senior population of Andover will increase by 78% in the next 20 years and half of the senior households in Town earn less than \$50,000 per year. This development responds directly to the Master Plan addressing this as a need for the Town.

Mr. Tye stated that the Inspector of Buildings has agreed that this development meets the congregate care definition in the Zoning Bylaw. Congregate care services offered include wellness services, event and activity programming and food services. They are not licensed to provide any medical services typical of a nursing home, but will have a resident services coordinator who will provide case management services for each resident. Mr. Tye pointed out that he has provided the requested list of community partnerships.

Mr. Bergeron asked about generator location and housing. Mr. Tye stated that he would have the plan for the next meeting. Mr. Bergeron asked about the definition of a senior, and Mr. Tye

254 Lowell Street – Strawberry Hill Farm (cont'd):

stated that believes the Town Bylaw defines it as over 55. Mr. Bergeron asked about the long term owners of the property. Mr. Tye stated that the property will be owned by a single entity controlled by National Development and Epoch Senior Living. The two buildings will be separate condominiums. The Bridges will be owned equally by National Development and Epoch Senior Living. The Andover Senior Residences will be owned by B'nai B'rith. Mr. Bergeron asked how many developments National Development still owns of the 24 that they have built. Mr. Tye stated the number is probably less than ten as their partner has often taken over the interest.

Mr. Bergeron asked for more information on the congregate care designation. Mr. Materazzo stated an assisted living residence is certified through the state. The services that will be provided to the residents make it a congregate living facility based on the definition of such in the Town's Zoning Bylaw. Mr. Doherty asked why they have received so many resident emails explaining why this is not congregate care. Ms. Byerley stated the emails reference the state definition for congregate care and Mr. Tye added that the Town has its own definition, Mr. Chiozzi asked if Chris Clemente, the Inspector of Buildings has all of the information that the Board has received. Mr. Materazzo stated that he does and he is working with him to submit a formal determination letter to the Board. Ms. Duff asked if Mr. Clemente provided the definition that was in their packet and Mr. Materazzo stated that it was the definition from the bylaw.

Mr. Doherty asked why this development didn't require two applications. Mr. Tye answered that the land is under common ownership and will not be subdivided. Mr. Doherty noted that there is no guarantee that the second Phase will be built. Mr. Tye stated that there is also no guarantee that the first phase will be built, so it shouldn't affect their application. Mr. Bergeron noted that there are things that should go into the Board's decision based on both buildings being built. Mr. Tye stated that in regards to the affordability aspect, there is still an affordability component to the project for the Town should the second Phase not be built. Mr. Pouliot ask what would become of the land for the second Phase should it not be built. Mr. Tye stated that any decision on that land would have to come back to the Planning Board. Mark Johnson, the applicant's attorney added that the land is one lot and the condominium conversion will only take place if the second building is built. The ownership will never change. Mr. Materazzo added that a similar example to this is Atria where there are multiple buildings with a mix of senior living options.

Mr. Pouliot stated that he would prefer to only approve the project with a guarantee of the second phase. Mr. Materazzo reminded the Board that that they would get into the affordability aspect more at the next meeting. The Board needs to better understand how a memory care facility is operated and how the units are paid for. Ms. Knowles stated that it was her opinion that both buildings should have affordable aspects. Mr. Materazzo stated that memory care living units can be provided as affordable, but the heavy service packages cannot be provided as affordable. Mr. Tye added that affordability for memory care is achieved through Medicare/ Medicaid.

Mr. Pouliot asked what the construction schedule will be if approved. Mr. Tye stated that the Bridges should be built within one year. The financing of Andover Senior Residences is based off of government funding schedules so it may take two to three years. Mr. Pouliot asked about

254 Lowell Street – Strawberry Hill Farm (cont'd):

projecting numbers for how many Andover seniors would need this type of housing once phase two is built. Mr. Tye answered that today 1,477 would be eligible for affordable housing. Mr. Pouliot noted that not all of those eligible want to leave their homes and he is concerned that Andover residents will not live there. Mr. Tye stated that there will be an Andover preference, but there is also a need for this within a seven mile radius.

Ken Cram of Bayside Engineering presented details on the submitted traffic study. Traffic counts were taken in April 2014 and predicted out for five years looking at future build and no build conditions. The counts showed 13,700 cars on the road a day, with 1,200 cars in the morning and evening peak hours. Speed data collected showed that west of Windemere the average speed is 38-40 mph with a posted speed limit of 40 mph. The report includes future development in the area of a 40B and 50,000 s.f. medical office building in the background projections. Mr. Cram also confirmed with the IRS that their expansion had been complete and all employees had been moved into the building at the time of the traffic counts. The analysis is based on a ½ percent growth rate using MassDOT guidelines, and was generated using data from the Institute of Transportation Engineers (ITE).

Mr. Cram stated that the use is a low generator for peak hours. The projection is 27 additional a.m. trips and 39 additional p.m. trips during the weekday peak hours with an even split of cars coming in and going out of the site. When exiting the site, 58% of the cars will be heading east and 42% exiting west. The original plan had an entrance directly across from Windemere but after this analysis it was moved further down to create a three way intersection reduce the chance of instances occurring at a 4 way intersection. He added the analysis shows this development as having very little impact on the Windemere intersection. The two driveways on site have a level of service grade of a D or better for exiting and will allow for better emergency access. He added that the site distance for both driveways is in excess of 500 ft in both directions, and the sight lines at Windemere Drive can be improved with better landscaping.

Mr. Bergeron asked if this would be making a bad traffic situation worse. Mr. Cram stated that the traffic flow on the roadway varies. The site is very close to both Interstates 93 and 495 and there is no control over Lowell Street and its side streets becoming a cut through. Mr. Doherty asked what times the counts were taken and he was told by Mr. Cram 7:00 - 9 a.m. and 4:00 – 6:00 p.m. The peak hours were 7:30 – 8:30 a.m. and 5:00 – 6:00 p.m.

Mr. Pouliot asked for an explanation of level of service and Mr. Cram explained how the Transportation Research Board's 2010 Highway Capacity Manual is used to apply a letter grade through mathematical calculations of a number of technical factors. Mr. Pouliot asked what the letter grade for the intersection is today. Mr. Cram stated that as an unsignalized intersection it has a letter of D. He added that the calculations for unsignalized intersections are always extremely conservative, and he has never come across an instance where the physical observations were higher than the calculated model. Mr. Doherty asked if his analysis took into account vendor and service delivery trucks. Mr. Cram stated that ITE trip generation database it based on actual counts, but typically these facilities are very low truck generators.

254 Lowell Street – Strawberry Hill Farm (cont'd):

Charlie Erban of 249 Lowell Street asked what the existing traffic count is now, and what the counts will be after the medical center and condos are built on Lowell Street. Mr. Cram asked a few minutes to do the math for those numbers.

Heather Lauten of 243 Lowell Street asked if any weekend traffic studies were done based on the number of churches in the area. She also asked if counts were taken before 7 a.m. on a week day because she often sees traffic that early. She asked if the MVRTA interest in a stop on Route 133 has been taken into traffic considerations. Mr. Materazzo stated that he has been speaking with the MVRTA in an ongoing manner based on the future development of the area to see if service can be extended in that area.

Mr. Cram stated that they did not take Sunday counts based on the fact that there is no commuter traffic. He added that they did not take counts prior to 7 a.m. because on average people leave for work around 7 a.m. Mr. Cram gave the current traffic count and no build projected counts for 2019. Mr. Bergeron noted that based on those numbers it appears that one-third of any traffic increase will come from this project and two-thirds will come from other development in the area.

Chet Lyons of 10 Wild Rose Drive stated that Lowell Street would have a carrying capacity of 20,000 cars per day if it had a good shoulder, but it does not. He added that the information on the average miles per hour doesn't tell the complete story in regards to safety. Mr. Materazzo noted that the traffic study also included crash data in the area for a four year period. Mr. Cram added that from police crash data, there was one crash recorded at Lowell Street and Windemere Drive in the last four years. Mr. Lyons stated the traffic impact seems like it will be small, but a larger issue is the carrying capacity of the road. Mr. Materazzo added that independent of this project, this area is part of a corridor study for improvements to enhance and reengineer the road for vehicles, pedestrians and cyclists is ongoing.

Mr. Lyons asked that the Board get a second opinion of the congregate care determination. Mr. Bergeron asked if they could have Town Counsel look at it. Mr. Materazzo stated that Town Counsel could be consulted, and added that he is confident with Mr. Clemente's determination. Mr. Bergeron felt it should be discussed with Town Counsel since so many residents have submitted their own research on the subject.

Mr. Lyons asked if there was a reason why solar has been omitted from the project. Mr. Tye noted that their developments try to meet a minimum standard of being LEED certifiable. Solar may be included in the next step of their design but he hasn't studied it enough to be able to commit to it. Mr. Lyons noted that solar does not add to any cost, reduces occupant cost and reduces electrical impacts on the distribution service.

Nuala Boness of 4 Robinswood Way stated that this appears to be a commercial intrusion on a prime residential property. There is nothing residential about this, it is a commercial development.

254 Lowell Street – Strawberry Hill Farm (cont'd):

On a motion by Ms. Duff seconded by Mr. Doherty the Board moved to continue the public hearing on The Bridges at Andover and Andover Senior Residences to Tuesday, September 16th at 7:30 p.m. **Vote:** Unanimous (6-0).

It should be noted that after the discussion on 254 Lowell Street ended, at 9:04 p.m. Mr. Bergeron and Mr. Pouliot left the meeting and did not return. Ms. Duff chaired the remainder of the meeting.

Merrimack College:

Ms. Duff opened the continued public meeting on an application filed by Merrimack College for a Site Plan Review – Dover Use for Merrimack College for four new dormitories and a community building.

Felipe Schwarz Assistant Vice President for External Affairs for Merrimack College reviewed the four items that they were asked to respond to at the last meeting. The full traffic study has now been provided. Per the request for an additional setback for the student common's building, the building has now been moved beyond the 40 ft minimum setback to be in line with the residences. This was achieved by reducing the footprint of that building by 750 s.f. The College is committed to providing a 5 ft high or higher fence along Rock Ridge Road with the style to be determined at a later time. In regards to landscape maintenance, the College has a grounds crew that operates daily and is in charge of maintaining all of the landscaping.

Ms. Knowles noted page 5 of the traffic study labels the current levels of service as D-F and any addition will make it worse. Mr. Chiozzi asked which intersection she was looking at and Ms. Knowles stated the intersection of Routes 114 and 125 with Andover and Elm Streets. Mr. Materazzo reminded the Board that this dorm project is intended to take commuters off of the road. Any future corridor planning for that area would be independent of this project or any project Merrimack College project. Mr. Schwarz added that new staff will be handful of janitors, food services workers and residential life staff who will work off peak hours. Ms. Duff stated that students who had cars also would not be contributing to peak hour traffic.

Ms. Byerley stated that the table Ms. Knowles was looking at was for the lighted intersection at Route 114, and pointed out that Table 6 is for the effected intersection of Elm Street and Flaherty Road. Mr. Materazzo added that the problem at Routes 114 and 125 has to be corrected in a much bigger scale independent this project. The College is already a committed participant in the fixing the larger issue. He added that Town Counsel has advised the Board that they need to stay within their purview in their review, and traffic is not in their purview. There are more partners that play a role in that intersection than just the College. Mr. Schwarz stated that the College is active with the Merrimack Valley Planning Commission, the Town of North Andover and other stakeholders looking at Route 114 improvements. The first step of crosswalk and pedestrian signal improvements have already been completed at that intersection. The next step is anticipated to be vehicular signaling equipment improvements. The College is actively working with MassDOT and its legislative partners. Mr. Materazzo added that the roadway needs to get on the state transportation improvement program in order to be allocated money for improvements as it is a state roadway.

Merrimack College (cont'd):

Mark Brobrowski addressed the Board as an attorney representing the bulk of people in the audience. He stated that the Planning Board has the ability to enforce all of the terms and provisions of the Zoning Bylaw, and the College has to justify any non-compliance through loss of utilitarianism or economic infeasibility. He introduced Tom Houston, who is a traffic engineer, professional civil engineer and certified planner hired by his clients to review the project. Ms. Duff noted that the Board has received copies of Mr. Houston's report and there are some items in the report that are out of the Board's purview that do not need to be discussed. She added that there are some things that the College has already agreed to that this report has left open, but are already closed.

Mr. Houston passed out photos of the campus taken by abutters and stated that he would review the highlights of his report. He outlined 39 project impacts and issues regarding state permits and MEPA, zoning, site planning, utilities, stormwater, traffic and parking, construction phase and impact minimization and mitigation. Mr. Houston touched upon state permitting requirements as the campus abuts a state highway and accessible parking. He stated that the Church parking lot which is the closest parking to this development is more than 500 ft away, and there is no accessible route on the plan. He noted the lack of loading spaces and that the neighborhood is concerned about loading and unloading. Ms. Duff reiterated that loading and many of the items in his report have already been addressed by the Board and asked Mr. Schwarz if he had further comment. Mr. Schwarz added that the College supports the review by Town Departments through the Interdepartmental Review Process and meetings that they have had with professional staff in the Town as it relates to these topics. Mr. Materazzo added that the Inspector of Buildings will address any noncompliant issues. Ms. Duff stated that in regards to the lack of loading spaces, the supplies will be hand trucked from the existing campus center, so there will be no loading or unloading of trucks. Mr. Houston questioned how the food service facility would operate without loading and unloading. Mr. Materazzo reiterated that this topic has already been discussed and food would be prepared elsewhere and brought to the facility.

Mr. Houston discussed the height of the buildings and concluded that they exceed the maximum permitted height of 45 ft. He based this conclusion on a definition in section 10.1 of the Zoning Bylaw of buildings that face more than one street. In measuring the grades of the streets he finds the buildings to be 5 – 9 ft higher than using the conventional method of measurement. Mr. Materazzo stated the Inspector of Buildings, Chris Clemente is comfortable that this plan as presented meets the height requirement. Mr. Brobrowski asked if he is comfortable with the height because it complies or because of Dover, and Mr. Materazzo stated that it was because it complies. Final detailed plans will be reviewed and approved by Mr. Clemente. Mr. Schwarz added that the College's plan and intent has always been to comply with the building code. Ms. Byerley added that the plan calls for a height of 45 ft which is allowed in that area, so the Inspector will ensure the building is 45 ft. Mr. Houston stated it was his intent to point out that the bylaw calls for a computation in an uncommon manner and the elevation of the adjacent streets are quite lower than the site. Mr. Materazzo added Mr. Clemente has received a copy of Mr. Houston's report as many of the items addressed are beyond the Board's purview. Mr. Chiozzi asked if Mr. Houston's argument was not on the height of the building, but on how the elevations are measured. Mr. Houston stated that he inferred from the building height stated in the application that the elevations were computed from the ground surrounding the buildings and

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not from the elevations of the adjacent streets per the bylaw. His recommendation is that the Board require the applicant to quantify that and submit documentation of compliance.

Mr. Houston stated that the College campus as a whole does not comply with the parking requirements of the bylaw. In his opinion, maximum occupancy is being misinterpreted as future maximum occupancy of persons on campus and they should instead be using maximum rate occupancy. This would calculate to higher than the 4,000 persons used, and the campus as a whole would not comply. Mr. Materazzo stated that Mr. Clemente is comfortable with the interpretation as presented by the applicant. He added that there is not one project in Town that has been required to provide parking spaces for multiple buildings all at one time all day every day. Doing so is unreasonable and would lead to oasis of parking lots everywhere throughout Town.

Mr. Houston stated that they have issues on how the parking and trip generations have been computed using the ITE Land Use Code 550 for colleges and universities. He doesn't believe that you can apply this land use code to individual facilities within a campus. This facility should instead use the code for a condominium or hotel rooms. Mr. Materazzo stated that the Town relies on professional engineering standards such as the ITE and questioned if Mr. Houston had petitioned the ITE to change their assessment on college traffic and trip generation.

Mr. Schwarz stated that the College is trying to create a residential campus with places for students to walk and live and not have a car. He added that the Phase 1 residences did not include additional parking. Ms. Knowles noted as a reminder, the Church parking lot will remain available. Mr. Schwarz agreed that the Church lot will continue to operate as a parking lot for visitors, commuters, faculty and staff. Mr. Houston stated that the problem with a facility of this size with no parking is that there is no way to prevent resident students and their guests from having automobiles and parking on Rock Ridge Road and other residential streets.

Mr. Houston included several measures for mitigation in items 31-39 of his report. Attorney Brobrowski stated that in a Dover case an applicant must comply with regulations that that they can comply with, and the municipality must also enforce the regulations. The College has to prove that enforcement of the zoning bylaw would disrupt campus or is financially infeasible. He added that the Tufts College case argued immensely on loading which is not one of the seven topics. Mr. Materazzo noted that the College has presented a plan to the Board as to how they will deliver services without loading docks and the Board can take under consideration if adding loading docks will add disruption to the neighborhood.

Mr. Chiozzi asked if the trucks in the pictures provided by Mr. Houston are doing things that they shouldn't be doing. Mr. Schwarz stated their plan now proposes an access gate that will prohibit trucks from entering or exiting campus on to Rock Ridge Road. Kristen Spinella of 23 Rock Ridge Road stated that large trucks use Rock Ridge Road every day and back into the Sakowich Center. They are as large as 18-wheelers, arrive as early as 5 a.m. and she has hundreds of pictures of them. Mr. Chiozzi asked if the proposed gate were there, would trucks still be able to drive down Rock Ridge. Ms. Spinella stated that she did not think so, but questioned how they would get through the campus. Ms. Duff asked where the access to campus

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would be for deliveries and when the access gate would be used. Mr. Schwarz stated that the entrances on Elm Street and Route 114 would be used for deliveries and the access gate would be for emergencies and special event egress. Ms. Spinella asked why campus police do not stop the trucks now and Ms. Duff stated that the Board has no control over that. Crag Gibson of 17 Brookfield Road stated that the Board is giving every due to Merrimack College and not helping out the taxpaying citizens of the Town. Ms. Spinella offered that a copy of their loading dock signatures would show what time they come in to make their deliveries in the morning. Ms. Duff replied that it has nothing to do with this Board.

Mr. Chiozzi asked if a gate at Rock Ridge Road will prevent trucks from using that public road. Jennifer Sylvester, 50 Brookfield Road stated that it will not because trucks will still drive down Fox Hill Road and when they realize they can't get in they will try Rock Ridge Road and vice versa. Mr. Chiozzi acknowledged there will be a learning curve when they realize they can't get in the first time, but assumed that they would not do it a second time and drive around in circles. He stated that all he wanted to know was if they felt the gate was going to help.

Melissa Marquis of 3 Woodcliff Road stated that the gate on Fox Hill Road is often opened by Merrimack employees for anyone to pass through. One of the biggest concerns of the group is that the gate is not being governed now. They have no confidence that problems will be governed in the future. Ms. Duff asked Mr. Schwarz to look into the Fox Hill gate operation. Mr. Schwarz reiterated that trucks will not be able to turn in with the gate proposed for Phase 2. Ms. Duff stated that if the gate is being opened at Fox Hill, that is a problem. Mr. Schwarz stated that they have made vendors aware not to use the gate and Ms. Knowles noted that they need to make their staff aware to not let people out. Mr. Schwarz agreed.

Scott Robb of 7 Rock Ridge Road stated that trucks cannot maneuver the College's other entrances so the only way they can come in is through Rock Ridge. Mr. Schwarz stated that there is enough room for the trucks on the internal streets. Mr. Materazzo noted that this discussion is an internal campus issue.

Kristen Spinella of 23 Rock Ridge Road showed on the map where her house is and stated that large trucks drive by all hours of the day. Mr. Chiozzi asked for clarification that all of the trucks shown in the pictures in the handout are coming down Rock Ridge and turning left into the site, and Ms. Spinella stated that he was correct.

Saleha Walsh of 27 Rock Ridge Road stated that Merrimack says that they will address problems and they are not addressed. She added that the dorms that were built in 2012 have a gate in front of them that is shown in the pictures handed out and it is falling apart, dangerous and has nails sticking out of it, and that has only been there for two years.

Bert Ouellette of 30 Fox Hill Road stated that the design and the solution with the tractor trailer trucks does not comply with what will actually occur. Trucks will wait for someone to open the gate so that they can get in. The alternative that Merrimack is proposing of having the trucks come through the Elm Street entrance will not work because the trucks cannot maneuver through the brick sides at the entrance or around the island. He added that the full size delivery road is

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being changed to a pedestrian walkway. Mr. Schwarz stated that there is enough room for the tractor trailers. He added that vendors can be managed by the College, directed to use smaller trucks and told how and when to make deliveries. Attorney Brobrowski suggested that there be independent verification that the turn can be made since it will need to be done with fire trucks and 18-wheelers. Mr. Materazzo stated that Emergency Services has already confirmed that the Town's largest Fire Truck can maneuver through the College's road network.

Ms. Knowles noted that from her own experience walking around campus the landscaping can use better maintenance. Steve McGrath of 66 Brookfield Road expressed concern about the landscaping abutting Fox Hill Road. Matt Wilson of 200 Elm Street expressed concern that trucks entering at Elm Street will now be entering in front of his house.

Scott Robb of 7 Rock Ridge stated that the Fire trucks go through Rock Ridge Road and there are a lot of calls all the time. Ms. Duff noted that the Police and Fire Departments utilize the route that they feel is best to reach the emergency. There was a discussion on noise and light that may come from the campus and Mr. Doherty asked if they could require the College to have air conditioning in the building. Ms. Byerley noted that air conditioning won't prevent windows being opened. She added that the Board normally only regulates noise created from generators and HVAC systems. By not having air conditioning it will bring down noise because you will not have the noise of the air conditioning system running constantly.

Attorney Brobrowski stated that he has identified some significant zoning concerns and he does not think the Board has adequately addressed them. He intends to see that done at this level or the next level.

Bill Page of 54 Brookfield Road asked where the exhaust fan will go from the dining area and asked for the location of the dumpsters. Mr. Schwarz stated that he does not know the location of the exhaust fan and that there will be no exterior dumpsters on the site, trash will be trucked to the Sakowich Center dumpsters. Mr. Page stated that he would like to know where the exhaust fan will be because it will produce noise to the neighborhood. Mr. Materazzo stated that kitchen exhaust was something the Board of Health would facilitate with the Building Department.

Joanna Reck of 15 Rock Ridge Road asked how the Board could close the hearing when the College has only given a vague idea of what they will provide for a fence and not a finite answer. Mr. Materazzo stated that the College has committed to providing a fence in a minimum of 5 ft and the final selection can be forwarded to the Board for approval.

On a motion by Mr. Chiozzi seconded by Ms. Duff the Board moved to close the public meeting on Merrimack College. **Vote:** 2-2. Mr. Chiozzi and Ms. Duff voting yes and Mr. Doherty and Ms. Knowles voting no.

Adjournment: The meeting was adjourned at 10:11 p.m.

Ms. Duff reopened the Planning Board meeting of August 26th at 10:12 p.m.

On a by Ms. Knowles seconded by Mr. Doherty the board moved to continue the public meeting on Merrimack College to September 16, 2014 at 8:00 p.m. **Vote:** Unanimous (4-0).

Adjournment: The meeting was adjourned at 10:14 p.m.